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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,883	01/31/2001	Kenneth F. Carpenter JR.	UV-180	7944

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,883

Applicant(s)

CARPENTER ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e). The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/179,523, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The '523 filing discloses "providing at least two cells on a display screen, wherein each of the at least two cells is operable to be associated with a television channel and is operable to display within the cell, video content being broadcast on the television channel". The filing, however, does not disclose that the particular cells further comprise an "indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cell".

The disclosure of the prior-filed application, Application No. 60/179,552, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The '552 filing discloses the missing

element of the '523 filling of "displaying an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cell" and "for a cell in which an indicator I displayed and which is in focus, allowing a user to access the interactive content associated with the television channel associated with the cell". However, the '552 filling does not "providing at least two cells on a display screen, wherein each of the at least two cells is operable to be associated with a television channel and is operable to display within the cell, video content being broadcast on the television channel". Neither prior-filling contemplates or incorporates disclosure of the other. Accordingly, the application shall be examined on the basis of its filling date or 31 January 2001.

Response to Arguments

2. Applicant's arguments with respect to claims 66-91 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent

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any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 66-68, 76-78, 86, 87, 89, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the "IBM Technical Disclosure Bulletin" (of record), in view of Matthews, III (US Pat No. 5,815,145), and in further view of Matthews, III et al. (US Pat No. 6,025,837).

Regarding claim 66, the Eldering et al. reference discloses a "method for using an interactive application" such as an EPG "on a display screen top access content" (Figure 1). In particular, as illustrated in Figure 1, the EPG comprises a region associated with advertisements [103/105/107] comprising a number of 'cells' and a region corresponding to program/channel listings [101] (Para. [0032]). The reference teaches that the particular regions, as would be understood by persons of skill in the art of Web page design and implementation, are delineated by frames (Para. [0040]). Accordingly, the reference generally provides for an EPG comprising a number of regions (ex. advertising region [103/105/107] and program listing region [101]) delineated by frames, but is generally silent with respect to the particular composition and ability to navigate between regions.

In an analogous art related to interactive television and in particular problems associated with display interfaces, the IBM article discloses that it is desirable to "display a region highlight that surrounds . . . [a] region" of a web-page and to "allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user

is navigating the region highlight” given that the reference merely teaches the particular highlighting of a particular frame upon which has input focus. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eldering et al. EPG interface [100] so to “display a region highlight that surrounds . . . [a] region” such as that associated with either the advertisements [103/105/107] or the program/channel listings [101] and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight” for the purpose of providing feedback to the user as to which frame/region within the interface has input focus. Subsequently, the combined references provide for an electronic programming guide comprising a number of frames/regions in which upon navigating to a particular region a highlight border is provided around the frame that has focus in order to show the boundaries of the frame. The combination, however, is silent with respect to further details associated with the program/channel listings [101] as claimed.

In an analogous art pertaining to interactive user interfaces and in particular electronic programming guides the Matthews, III reference discloses a “method for using an interactive application” or program guide on a “display screen” [18] to access content. As illustrated in Figure 4, the method comprises “providing at least two cells” [104] on a “display screen” [18] wherein “each of the at least two cells is operable to be associated with a television channel and is operable to display, within the cell, video content being broadcast on the television channel”. As illustrated, the program/channel listings comprise “grouping . . . at least two cells into a region” wherein “in response to a user selection of the region . . .

displaying a cell highlight” [108] “around a cell in the selected region” such that the “user [is allowed] to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” (Figure 5; Col 4, Line 44 – Col 5, Line 46). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to utilize the program listing teachings of Matthews, III so as to “provide at least two cells on a display screen, wherein each of the at least two cells is operable to be associated with a television channel and is operable to display, within the cell, video content being broadcast on the television channel; . . . grouping the at least two cells into a region; displaying a region highlight that surrounds the cells in the region; allowing a user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight; and in response to a user selection of the region surrounded by the region highlight; displaying a cell highlight around a cell in the selected region; allowing the user to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” for the purpose of taking advantage of the graphics-based nature of IT systems in association with the presentation of program guide services (Matthews, III: Col 1, Lines 61 – Col 2, Line 3). The combination of references is silent with respect to “notifying a user of the availability of interactive content” that the user is subsequently able to access.

In an analogous art pertaining to interactive television applications, Figures 5 and 6 of the Matthews, III et al. reference discloses “for each of the at least one of the cells that is associated with a television channel, displaying an indicator which notifies a user of the

availability of interactive content associated with the television channel associated with the cell” and “for a cell which an indicator is displayed and which is in focus, allowing a user to access the interactive content associated with the television channel associated with the cell” (Col 9, Line 1 – Col 10, Line 37; Col 10, Line 56 – Col 11, Line 21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the electronic programming guide or ‘interactive application’ to further “display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cells” and to further “allow a user to access the interactive content associated with the television channel associated with the cell” for the purpose of advantageously provide a means by which to integrate supplemental content within the program guide for easy access (Matthews, III et al.: Col 4, Lines 17-24 and 59-65).

Regarding claim 76, the Eldering et al. reference discloses a “system for accessing content through an interactive application” such as an EPG. As illustrated in Figure 2, the system comprises a “display screen” or television (Para. [0060]), a “communication link configured to access content” [202/232] (Para. [0052], [0053], and [0061]), and a “processor” [204] that controls the operation of the system (Para. [0053]). In particular, as illustrated in Figure 1, the “processor” is operable to ‘instruct the display screen to display’ an EPG comprising a region associated with advertisements [103/105/107] consisting of a number of ‘cells’ and a region corresponding to program/channel listings [101] (Para. [0032]). The reference teaches that the particular regions, as would be understood by persons of skill in the art of Web page design and implementation, are delineated by frames (Para. [0040]).

Accordingly, the reference generally provides for an EPG comprising a number of regions (ex. advertising region [103/105/107] and program listing region [101]) delineated by frames, but is generally silent with respect to the particular composition and ability to navigate between regions.

In an analogous art related to interactive television and in particular problems associated with display interfaces, the IBM article discloses that it is desirable to “instruct [a] display screen to display a region highlight that surrounds . . . [a] region” of a web-page and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display screen while the user is navigating the region highlight” given that the reference merely teaches the particular highlighting of a particular frame upon which has input focus. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eldering et al. “processor” [204] to “instruct the display screen to display a region highlight that surrounds . . . [a] region” such as that associated with either the advertisements [103/105/107] or the program/channel listings [101] and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight” for the purpose of providing feedback to the user as to which frame/region within the interface has input focus. Subsequently, the combined references provide for an electronic programming guide comprising a number of frames/regions in which upon navigating to a particular region a highlight border is provided around the frame that has focus in order to show the boundaries of the frame. The combination, however, is silent with respect to further details associated with the program/channel listings [101] as claimed.

In an analogous art pertaining to interactive user interfaces and in particular electronic programming guides, the Matthews, III reference similarly discloses a “display screen” [18] and a “processor” [58] (Figure 2; Col 7, Line 7 – Col 8, Line 14). As illustrated in Figure 4, the “processor” [58] is configured to “instruct the display screen to display at least two cells” [104] “that are each operable to be associated with a television channel, wherein each of the cells is operable to display, within the cell, video content being broadcast on the television channel”. As illustrated, the program/channel listings comprise “group[ing] . . . at least two cells into a region” wherein “in response to a user selection of the region . . . displaying a cell highlight” [108] “around a cell in the selected region” such that the “user [is allowed] to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” (Figure 5; Col 4, Line 44 – Col 5, Line 46). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to utilize the program listing teachings of Matthews, III such that the “processor [is] configured to instruct the display screen to display at least two cells that are each operable to be associated with a television channel, wherein each of the cells is operable to display, within the cell, video content being broadcast on the television channel; . . . group[ing] the at least two cells into a region; instruct[ing] the display screen to display a region highlight that surrounds the cells in the region; allow[ing] a user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight; and in response to a user selection of the region surrounded by the region highlight; instruct[ing] the display screen to display a cell highlight around a cell in the selected region; [and] allow[ing]

the user to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” for the purpose of taking advantage of the graphics-based nature of IT systems in association with the presentation of program guide services (Matthews, III: Col 1, Lines 61 – Col 2, Line 3). The combination of references is silent with respect to “notifying a user of the availability of interactive content” that the user is subsequently able to access.

In an analogous art pertaining to interactive television applications, Figures 5 and 6 of the Matthews, III et al. reference discloses a “processor” [92] that is “configured” such that “for each of the at least one of the cells that is associated with a television channel, [the display screen is] instructed . . . to display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cell” and “for a cell which an indicator is displayed and which is in focus, [the user is] allow[ed] . . . to access the interactive content associated with the television channel associated with the cell” (Col 9, Line 1 – Col 10, Line 37; Col 10, Line 56 – Col 11, Line 21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Eldering “processor” [202] to further “display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cells” and to further “allow a user to access the interactive content associated with the television channel associated with the cell” for the purpose of advantageously provide a means by which to integrate supplemental content within the program guide for easy access (Matthews, III et al.: Col 4, Lines 17-24 and 59-65).

Claims 67 and 77 are rejected wherein the “indicator is displayed in at least one of: the cell having an associated television channel for which interactive content is available, and an area in close proximity to that cell” (Matthews, III et al.: Figure 5).

Claims 68 and 78 are rejected wherein “for each cell that is associated with a television channel and which is not in focus, displaying in the cell a graphical brandmark of the television channel associated with the cell; and if the cell in focus is associated with a television channel, displaying in the cell video content being broadcast on the television channel” (Matthews, III: Col 4, Lines 56-61; Col 5, Lines 23-36).

Claims 86 and 89 is rejected in light of the aforementioned combination of references wherein the “region” [101] comprises “at least one cell associated with a television channel” (Matthews, III: Figure 4; Col 4, Lines 44-55). Figure 1 of Eldering et al. further illustrates “providing a second region” or advertising region [103/105/107] that “includes the at least one cell associated with a non-television entity” or website derived advertisement (Para. [0046]).

Claims 87 and 90 are rejected in light of the aforementioned combination of references. As previously discussed, Figure 1 of Eldering et al. further “provides at least one advertisement cell” [103/105/107] “on the display screen, wherein the advertisement cell is distinct from the at least two cells” by virtue of their on-screen arrangement, content, etc.. The “at least one advertisement cell” is logically “grouped . . . into a second region” corresponding to a separate frame such that “[the user is] allowed . . . to navigate the region highlight to the second region” as taught by the IBM technical disclosure for the purpose of

providing feedback to the user as to which frame/region (ex. program listing region or advertising region) within the interface has input focus.

6. Claims 69-71, 79-81, 88, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the “IBM Technical Disclosure Bulletin” (of record), in view of Matthews, III (US Pat No. 5,815,145), in view of Matthews, III et al. (US Pat No. 6,025,837), and in further view of Lawler et al. (US Pat No. 5,585,838).

In consideration of claims 69 and 79, the combined references are silent with respect to further “displaying an option indicator” as claimed. In an analogous art pertaining to interactive television applications, the Lawler et al. reference discloses “displaying an option indicator which notifies a user of at least one option corresponding to the television channel associated with the cell; and for a cell which is in focus, allowing a user to select one of the at the least one option” (Col 13, Line 53 – Col 14, Line 48). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to “display an option indicator” for the common knowledge advantage of providing a simplified means by which the user can identify desired programs and services and to perform actions related to those programs (Lawler et al.: Col 1, Lines 26-33).

Claims 70 and 80 are rejected wherein the “television channel is a video on demand channel, and wherein the at least one option includes at least one of . . . placing an order for a program from the video on demand channel” (Matthews, III: Col 9, Lines 26-49; Lawler et al.: Col 14, Lines 16-23; Col 16, Lines 35 – Col 17, Line 5).

Claims 71 and 81 are rejected wherein the “at least one option includes at least one of: recording a current program on the television channel, [and] setting a reminder for a future program on the television channel” (Lawler et al.: Col 13, Line 53 – Col 14, Line 48).

In consideration of claims 88 and 91, “at least one of the . . . option indicator is a generic icon” such as element [138] which generically indicates that the user may ‘order’ a program. The icon is considered generic’ in so far as the same icon is utilized to indicate to the user that programs can be ordered in numerous screens (Figures 8 and 9).

7. Claims 72-75 and 82-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the “IBM Technical Disclosure Bulletin” (of record), in view of Matthews, III (US Pat No. 5,815,145), in view of Matthews, III et al. (US Pat No. 6,025,837), and in further view of Goldschmidt Iki et al. (US Pat No. 6,295,646).

In consideration of claims 72 and 82, the combined references are unclear with respect to whether or not “at least one of the cells” such as those corresponding to the television program listings region [101] of Eldering are operable to display Web content “within the cell”. In an analogous art pertaining to interactive television applications, the Goldschmidt Iki et al. reference discloses a user interface wherein “at “at least one of the cells is operable to display Web content within the cell” in addition to cells displaying television content (Figure 6; Col 7, Lines 28-51). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that “at least one of the cells is operable to display Web content within the cell” for the purpose of advantageously providing a user interface/programming guide which

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supports entertainment system data from a variety of sources (Goldschmidt Iki et al.: Col 1, Lines 15-36).

Claims 73 and 83 are rejected wherein “at least one of the cells is associated with a television channel and at least one of the cells is associated with a non-television entity”.

(Goldschmidt Iki et al.: Col 7, Lines 40-51; Col 8, Line 66 – Col 9, Line 42).

Claims 74 and 84 are rejected wherein the method further comprise “receiving a signal indicating selection of the cell in focus; and if the cell in focus is associated with a television channel, displaying, in full screen on the display screen, video content being broadcast on the television channel” (Goldschmidt Iki et al.: Col 9, Lines 29-34).

Claims 75 and 85 are rejected wherein the system/method further “allows a user to disassociate a television channel from a cell; and allows a user to associate a television channel with a cell” in accordance with the user establishment of preferred entertainment sources (Goldschmidt Iki et al.: Col 7, Lines 40-46). Alternatively, the system/method “allows a user to disassociate a television channel from a cell; and allows a user to associate a television channel from a cell” in conjunction with the user scrolling through the listing of entries within the interface such that the first displayed cell would be associated a different channel if the user scrolled the listings as illustrated in Figure 6 of Matthews, III.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of

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claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Knudson et al. (WO 99/56466 A1) reference discloses a program guide system with advertisements.
- The Alexander et al. (WO 99/04561 A1) reference discloses a system and method for displaying and recording control interfaces.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SEB

October 11, 2006

Scott Beliveau
Primary Examiner
Art Unit 2623